

REMARKS

The Examiner has rejected Claims 11, 28, and 48-67 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The independent Claims 11 and 28 have been amended to recite steps of performing computations for an overall rating of an educational program in an electronic computational device such as computer. Additionally, these claims recite steps of "providing a communications network interface for accessing the overall rating of the educational program", and "transmitting the overall rating to a user accessing the network interface so that the overall rating can be presented to the user". Accordingly, it is believed that Claims 11 and 28 overcome the Examiner's 101 rejection. Moreover, since all other pending claims are dependent upon these two claims, it is believed that all claims are now directed to statutory subject matter.

The Examiner has also rejected Claims 11 and 28 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that the phrase "such as" in Claims 11 and 28 renders these claims indefinite. Applicant's representatives have removed this phrase from the claims. Accordingly, it is believed that this rejection is now also overcome, and thus Claims 11 and 28 are patentable.

Moreover, since Claims 48-67 are dependent upon Claims 11 and 28, Claims 48-67 are also believed to be patentable due at least to their respective dependencies upon Claims 11 and 28.

Two new claims have been submitted, Claims 68 and 69. Each of these claims recite that the "communications network" is the Internet. It is believed that these claims are patentable both due to their respective dependence upon Claims 11 and 28, and additionally due to the novel limitation that the communications network is the Internet.

Applicants' representatives further request entry of an appendix into the application, wherein this appendix is to be considered as part of the specification. This appendix includes only subject matter from U.S. Provisional Patent Application 60/264,149 filed Jan. 24, 2001

which is a priority document for the present application. Accordingly, no new matter is provided by the addition of the appendix into the application.

The amendment to the paragraph beginning on page 17, line 17 of the original specification requested hereinabove provides subject matter from the appendix. In particular, the following passages support the text of the amendment:

1. "To receive a Star Four rating, providers must be accredited by a nationally recognized professional association such as the National Association for the Education of Young Children or the National Association of Family Child Care. Accreditation requires the provider to complete an extensive self-study of all aspects of their early care and education program, which is then "validated" through an on-site visit by a representative of the accrediting body." (Appendix, page 36, line 1)
2. "If the site is accredited, request a copy of their accreditation report. This will be a document provided to the site from the accrediting body (usually NAEYC or NAFCC) notifying them of their status and often listing recommendations. This document is used to validate the site's accreditation for their Star rating and may also provide direction for quality improvement goals." (Appendix, page 91, line 10)
3. "In addition to receiving points for the above indicators, sites that become accredited receive an additional 2 points. Once accredited, a site retains these points from one rating to the next unless it loses its accreditation or chooses not to reapply. The primary accreditation for centers is offered through NAEYC. For family homes it is through NAFCC. Sites may apply for a waiver to pursue accreditation through another body using the Accreditation Approval Request form (Attachment A 14). Waivers will be granted if the alternate accreditation relies on standards equivalent to those used by NAEYC and NAFCC. (Appendix, page 96, line 17)

Moreover, it is well known that both the Education of Young Children and the National Association of Family Child Care are non-governmental associations that accredit a plurality of independently owned and operated child care facilities. Accordingly, it is believed that no new matter has been added to the present patent application by the amendment to the paragraph beginning on page 17, line 17. If the Examiner believes otherwise, it is respectfully requested that the Examiner provide Applicants' representative with the opportunity to provide additional evidence that no new matter has been added to the application.

Since all claims are believed to be in condition for allowance, reconsideration of the present application is requested. Applicants' counsel requests the courtesy of a telephone call from the Examiner in the event any further questions or concerns exist and counsel can be reached directly at 303-863-2975.

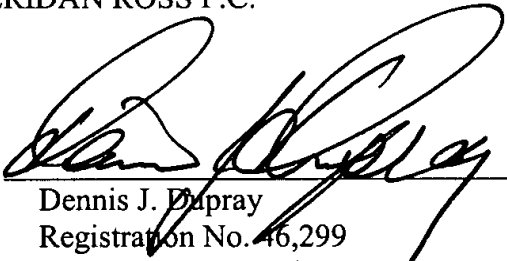
Application No. 10/057,273

Document: "Amendment and Response to Office Action dated November 28, 2003"

Applicants believe that there are no fees due in connection with the filing of this Amendment and Response. Applicants previously paid for 47 total claims, including 6 independent claims. Upon entry of the present Amendment and Response, there will be a total of 23 pending claims, including 2 independent claims. However, in the event that any additional fees are due, please charge Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 
Dennis J. Dupray
Registration No. 46,299
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

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